

## ORDINANCE REPEALING SCHEDULE OF NONCONSENSUAL TOWING FEES FROM PRIVATE LOTS

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Whereas, the North Carolina Supreme Court issued an opinion in June 2014 that the Town of Chapel Hill exceeded its powers by adopting a maximum fee schedule for nonconsensual tows from private lots and prohibiting towing companies from charging credit card fees. *King v. Town of Chapel Hill*, 758 S.E.2d 364, 374 (2014); and

Whereas, similar to the Town of Chapel Hill, the Durham City Council has adopted an ordinance setting a schedule of nonconsensual tow fees; and

Whereas, the schedule of nonconsensual towing fees sets a maximum amount that can be charged for nonconsensual tows from private lots, and such fees are codified in the fee schedule; and

Whereas, the city council desires to repeal the schedule of fees that set a maximum amount that can be charged for nonconsensual tows from private lots, for the purpose of complying with the above referenced decision by the Supreme Court;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

**Section 1.** Part 12-105 of the fee schedule entitled “*Schedule of Other Nonconsensual Tow Fees: (Private Property Towing Fees Not Initiated by Police Department)*” is repealed.

**Section 2.** Any remaining parts in Chapter 12 of the fee schedule (that come after Part 12-105) may be renumbered or reorganized if necessary, as authorized by Durham City Code Section 1-3(h).

**Section 3.** This ordinance is effective upon adoption.

**Section 4.** Any City resolution or ordinance in conflict with this ordinance is hereby repealed only to the extent of the conflict.